

DEPARTMENT OF THE NAVY
Office of the Secretary
Washington, D.C. 20350

SECNAVINST 1600.1A
JAG:121
7 July 1981

SECNAV INSTRUCTION 1600.1A

From: Secretary of the Navy
To: All Ships and Stations

Subj: Relationships with organizations which seek to represent or organize members of the Armed Forces in negotiation or collective bargaining

Ref: (a) DoD Directive 1354.1 of 25 Nov 1980 (NOTAL)
(b) 5 U.S.C. §§ 7101-35 (1976)
(c) 10 U.S.C. § 976 (Act of 8 Nov 1978, Pub. L. No. 95-610, 92 Stat. 3085)
(d) 5 U.S.C. § 2105 (1976)
(e) SECNAVINST 3820.2D (NOTAL)
(f) Uniform Code of Military Justice (10 U.S.C. §§ 801-940 (1976))
(g) OPNAVINST 3100.6B (NOTAL)
(h) MCO 5740.2C (NOTAL)

R/ 1. Purpose. To implement and incorporate the provisions of reference (a) within the Department of the Navy by establishing policies and procedures for dealing with individuals and organizations whose objective is to organize or represent military members of the Department of the Navy for the purpose of negotiation or collective bargaining over terms or conditions of military service. This instruction does not modify or diminish the existing authority of commanders to control access to, or maintain good order and discipline on naval installations; nor does it alter the obligations of commanders and supervisors with respect to organizations representing Department of the Navy civilian employees pursuant to reference (b).

2. Cancellation. SECNAV Instruction 1600.1.

3. Applicability and Scope. The provisions of this instruction apply to:

a. The Office of the Secretary of the Navy, the Department of the Navy, and the Non-Appropriated Fund Activities within the Department of the Navy;

b. Military members of the Department of the Navy serving on active duty or inactive duty training, including members of Reserve components while serving in a military status, but not including those members or former members who are receiving retired or retainer pay; and

c. Individuals and groups entering on, using, or seeking to enter on or use, any installation, facility, vessel, aircraft, or other property, controlled by the Department of the Navy.

4. Policy. It is the policy of the Department of the Navy (R) under reference (c) that:

a. Members of the Armed Forces of the United States must be prepared to fight and, if necessary, to die to protect the welfare, security, and liberty of the United States and of their fellow citizens;

b. Discipline and prompt obedience to lawful orders of superior officers are essential and time-honored elements of the American military tradition and have been reinforced from the earliest articles of war by laws and regulations prohibiting conduct detrimental to the military chain of command and lawful military authority;

c. The processes of conventional collective bargaining and labor-management negotiation cannot, and should not, be applied to the relationships between members of the Armed Forces and their military and civilian superiors;

d. Strikes, slowdowns, picketing, and other traditional forms of job action have no place in the Armed Forces;

e. Unionization of the Armed Forces would be incompatible with the military chain of command, would undermine the role, authority, and position of the commander, and would impair the morale and readiness of the Armed Forces; and

f. The circumstances which could constitute a threat to the ability of the Armed Forces to perform their mission are not comparable to the circumstances which could constitute a threat to the ability of Federal civilian agencies to perform their functions and should be viewed in light of the need for effective performance of duty by each member of the Armed Forces.

5. Definitions

a. **Military Member(s).** A military member(s) of the Department of the Navy who is serving on active duty or a member of a Reserve component while performing inactive duty training. (R)

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R) b. Military Labor Organization. Any organization that engages in or attempts to engage in:

(1) Negotiating or bargaining with any civilian officer or employee or with any military member on behalf of military members concerning the terms or conditions of military service of such military members;

(2) Representing individual military members before any civilian officer or employee or any military member in connection with any grievance or complaint of any such member arising out of the terms or conditions of military service of such member; and/or

(3) Striking, picketing, marching, demonstrating, or any other similar form of concerted action, which is directed against the Government of the United States and which is intended to induce any civilian officer or employee or any military member to:

(a) Negotiate or bargain with any person concerning the terms or conditions of military service of any military member;

(b) Recognize any organization as a representative of individual military members in connection with complaints and grievances of such military members arising out of the terms or conditions of military service of such military members; and/or

(c) Make any change with respect to the terms or conditions of military service of individual military members.

R) c. Civilian Officer or Employee. An employee as defined in reference (d).

d. Naval Installations. Includes installations, reservations, facilities, vessels, aircraft, and other property, controlled by the Department of the Navy.

e. Negotiation or Bargaining. A process whereby a commander or supervisor, acting on behalf of the United States, engages in discussions with a military member or members (purporting to represent other such members) or with an individual, group, organization, or association purporting to represent such members, for the purpose of resolving bilaterally terms or conditions of military service.

f. Terms or Conditions of Military Service. Terms or conditions of military compensation or duty including, but not limited to, wages, rates of pay, duty hours, assignments, grievances, or disputes.

6. Prohibited Activities

(R)

a. Membership and Enrollment

(1) A military member, knowing of the activities or objectives of a particular military labor organization, may not:

(a) Join or maintain membership in such organization; or

(b) Attempt to enroll any other military member as a member of such organization.

(2) No person on a naval installation and no military member may enroll in a military labor organization any military member or solicit or accept dues or fees for such an organization from any military member.

b. Negotiation or Bargaining

(1) No person on a naval installation and no military member may negotiate or bargain or attempt through any coercive act to negotiate or bargain, with any civilian officer or employee or any military member on behalf of military members, concerning the terms or conditions of service of such military members.

(2) No military member and no civilian officer or employee may negotiate or bargain on behalf of the United States concerning the terms or conditions of service of military members with any person who represents or purports to represent military members.

c. Strikes and Other Concerted Activity

(1) No person on a naval installation and no military member may organize, attempt to organize, or participate in, any strike, picketing, march, demonstration, or other similar form of concerted action involving military members, that is directed against the Government of the United States and that is intended to induce any civilian officer or employee, or any military member, to:

(a) Negotiate or bargain with any person concerning the terms or conditions of service of any military member;

(b) Recognize any military labor organization as a representative of individual military members in connection with any complaint or grievance of any such member arising out of the terms or conditions of service of such member in the Department of the Navy; and/or

(c) Make any change with respect to the terms or conditions of service in the Department of the Navy of individual military members.

(2) No person may use any naval installation for any meeting, march, picketing, demonstration, or other similar activity, for the purpose of engaging in any activity prohibited by this instruction.

(3) No military member and no civilian officer or employee may permit or authorize the use of any naval installation for any meeting, march, picketing, demonstration, or other similar activity, which is for the purpose of engaging in any activity prohibited by this instruction.

d. **Representation.** A military labor organization may not represent or attempt to represent any military member before any civilian officer or employee or any military member in connection with any grievance or complaint of any such military member arising out of the terms or conditions of service of such military member in the Department of the Navy.

R) 7. Permissible Activities

a. This instruction does not limit the right of military members to:

(1) Join or maintain membership in any lawful organization or association not constituting a "military labor organization" as defined in subparagraph 5b of this instruction;

(2) Present complaints or grievances concerning the terms or conditions of the service of such military member in the Department of the Navy in accordance with established military procedures;

(3) Seek or receive information or counseling from any source;

(4) Be represented by counsel in any legal or quasi-legal proceeding in accordance with applicable laws and regulations;

(5) Petition the Congress for redress of grievances; and/or

(6) Take such other administrative action to seek such administrative or judicial relief as is authorized by applicable laws and regulations.

b. This instruction does not prevent commanders or supervisors from giving consideration to the views of any military member presented individually or as a result of participation on command-sponsored or authorized advisory councils, committees, or organizations.

c. This instruction does not prevent any civilian employed at a naval installation from joining or being a member of an organization that engages in representational activities with respect to terms or conditions of civilian employment.

8. Responsibilities of Local Commanders for Administering (R) and Enforcing the Prohibitions of Paragraph 6

a. Local commanders of naval installations are responsible for administering the provisions of paragraph 6 of this instruction. In making any factual determinations required by this instruction the following guidelines apply:

(1) In determining whether an organization is a military labor organization, whether a person is a member of a military labor organization, or whether such person or organization is in violation of any provision of this instruction, the history and operation of the organization (including its constitution and bylaws, if any) or person in question may be evaluated along with evidence on the conduct constituting a prohibited act.

(2) In determining whether the commission of a prohibited act by a person can be imputed to the organization, examples of factors that may be considered include: the frequency of such act, the position in the organization of persons committing the act, whether the commission of such act was known by the leadership of the organization, and whether the commission of the act was condemned or disavowed by the leadership of the organization.

(3) Any information about persons and organizations not affiliated with the Department of the Navy needed to make the determinations required by this instruction shall be gathered in strict compliance with the provisions of reference (e) and shall not be acquired by counterintelligence or security investigative personnel. The organization itself shall be considered a primary source of information.

b. Reference (c) prohibits certain conduct by both military labor organizations and individuals and provides criminal sanctions for such conduct. Violations of reference (c) by military members should be processed in accordance with reference (f). Violations of reference (c) by

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military labor organizations or individuals not subject to reference (f) should be reported to the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, pursuant to references (g) and (h), who shall,

in turn, immediately forward the information to the Secretary of the Navy for action.

JOHN LEHMAN
Secretary of the Navy

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